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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,594	04/16/2004	Yun-Bok Lee	8734.297.00 US	7791
30827	7590	06/22/2006	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			DUONG, TAI V	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,594

Applicant(s)

LEE, YUN-BOK

Examiner

Tai Duong

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 10-17, 29-36, 41-43 and 47-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 18-23, 26-28, 37, 39, 40 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 7, 24, 25 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/16/04, 4/24/06: 4113106</u> | 6) <input type="checkbox"/> Other: _____ |

Applicant's election without traverse of Species A (claims 1-9, 18-28, 37-40 and 44-46) in the reply filed on 04/24/06 is acknowledged.

Claims 10-17, 29-36, 41-43 and 47-58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/24/06.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-6, 8, 9, 18-23, 26-28, 37, 39, 40 and 44-46 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, 8, 10, 24, 92, 97-102 and 104 of copending Application No.10/825,486 (US 2005/0083466). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 7, 8, 10, 24, 92, 97-102 and 104

of the copending application'486 disclose all of the recited features of the instant claims. The instant claims are broader in scope than the claims of the copending application'486 and are anticipated by claims 1, 7, 8, 10, 24, 92, 97-102 and 104 of the copending application'486 . It would have been obvious to a person of ordinary skill in the art to broaden the scope of 1, 7, 8, 10, 24, 92, 97-102 and 104 of the copending application'486 by deleting the functional languages and the details of the pixel electrode patterns and the common electrode patterns from the claims of the copending application'486 thereby resulting to the instant claims.

Claims 1 and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No.10/824,612 (US 2005/0128406). Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claim 1 is the combination of claims 1 and part of claim 2 of the copending application'612 while the instant claim 8 is the combination of claims 1 and 2 of the copending application'612

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1 and 8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 6 and 7 of U.S. Patent No. 7,002,656. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claim 1 is the combination of claims 1, 3

and parts of claims 6 , 7 of the patent'656. The instant claim 8 is the combination of claims 1, 3 , 6 and 7 of the patent'656.

Claims 7, 24, 25 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7, 24, 25 and 38 are allowed over the prior art of record because none of the prior art discloses or suggests an array substrate and a method having structure and steps similar to those of claims 1, 18 and 37 *in combination* with the feature "a black matrix having an opening larger than the open region of another one of the plurality of common electrode patterns", or "the pixel connecting line overlaps the common electrode and constitutes a first storage capacitor".

If the obviousness-type double patenting rejections are overcome, claims 1-6, 8, 9, 18-23, 26-28, 37, 39, 40 and 44-46 will be allowed over the prior art of record because none of the prior art discloses or suggests an array substrate and a method having the particular structure and steps as recited in claims 1, 18, 37 and 44.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirakata et al disclose an IPS –LCD device having spiral pixel electrode and spiral common electrode.

Art Unit: 2871

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

TD
TVD

06/06


TQANTON
PRIMARY EXAMINER